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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/753,236

12/29/2000

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540-009.2

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01/12/2006

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EXAMINER

HYUN, SOON D

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/753,236

Applicant(s)

SUONSIVU ET AL.

Examiner

Soon D. Hyun

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 8 and 11 is/are allowed.
- 6) ☒ Claim(s) 7, 9, 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 7, 9, 10, 12, and 13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 7, 9, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's Admitted Prior Art (AAPA).

Regarding claim 7, AAPA discloses a method for a xDSL network management comprising:

transmitting a request for configuration information from a first network element (xDSL switch 111 in FIG. 1) located on a first hierarchical level (level 2) towards a second network element (network managing station 131 in FIG. 1) on a second hierarchical level (level 4), which the second hierarchical level is above the first hierarchical level in the xDSL network., i.e., the xDSL switch (111) transmits a request via an established a communication connection to the network managing station (131)

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for configuration information when the xDSL switch needs to know a configuration information, see specification page 3, lines 5-9.

deciding at the managing station whether it is appropriate to read the configuration information requested in the request from configuration memory (database 132 in FIG. 1) of the managing station. The AAPA does not explicitly teach the step, but it is inherent in the AAPA, because the managing station receives the request and checks the source of the request and any error in the request, i.e., whether the request is appropriate or not;

reading the configuration information from the database (132).

Regarding claims 9 and 12, AAPA discloses a system or method for a xDSL network management comprising:

a first network element (xDSL switch 121 in FIG. 1) located on a first hierarchical level (level 3) receives a command from a managing station (131 in FIG. 1) for changing a piece of configuration information that pertains to a second network element (xDSL switch 111 in FIG. 1) on a second hierarchical level (level 2), which the second hierarchical level is below the first hierarchical level in the xDSL network., i.e., the managing station send a command to the xDSL switch (121) for changing the configuration information pertaining to the xDSL switch (111), because the configuration information stored in the switch on a higher level includes information pertaining to itself (121) and the switch (111) on a lower level (specification page 2, lines 35-36) and the xDSL switch (121) stores updated configuration information according to the command.

Regarding claim 13, refer to the discussion for claims 7 and 9. AAPA discloses a system or method for a xDSL network management comprising:

network elements (101-106 and 111-113 in FIG. 1) on certain hierarchical levels (level1 and 2) and a network managing station (131 in FIG. 1), wherein a number of the network elements (111-113) other than the network managing station are arranged to store configuration information pertaining to other of the network elements (101-106) that are located on lower hierarchical levels in the XDSL network than the number of the network elements at which the configuration information is stored, wherein the network elements (111-113) store the configuration information in a form that results from receiving and then executing a command from at least one XDSL network element at a lower hierarchical level in the XDSL network , i.e., the managing station receives a command or a request to revert configuration information from element 101-106) on a lower level and executes the request to update the configuration information and the network elements on a higher level stores the updated information thru a command from the managing station.

Allowable Subject Matter

4. Claims 1-6, 8, and 11 are allowed.


Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Soon D. Hyun whose telephone number is 571-272-3121. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


S. Hyun
01/05/2005


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SUPERVISORY PATENT EXAMINER
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